

**To:** Chen, Eugene[Chen.Eugene@epa.gov]; Christenson, Kara[Christenson.Kara@epa.gov]; Meer, Daniel[Meer.Daniel@epa.gov]; McKaughan, Colleen[McKaughan.Colleen@epa.gov]; Salazar, Matt[Salazar.Matt@epa.gov]; Rios, Gerardo[Rios.Gerardo@epa.gov]  
**Cc:** Spiegelman, Nina[Spiegelman.Nina@epa.gov]  
**From:** Alkon, Margaret  
**Sent:** Mon 2/6/2017 5:35:00 PM  
**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations  
United States v. Nucor Corp. 2002 U.S. Dist. LEXIS 27933.PDF  
United States v. Nucor Corp. 17 F. Supp. 2d 1249.PDF

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Margaret Alkon

Assistant Regional Counsel (ORC-2)

U.S. EPA, Region IX

75 Hawthorne St.

San Francisco, CA 94105

Email: [alkon.margaret@epa.gov](mailto:alkon.margaret@epa.gov)

Direct Dial: (415) 972-3890

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~~~~~

**From:** Chen, Eugene  
**Sent:** Monday, February 6, 2017 9:26 AM  
**To:** Alkon, Margaret <Alkon.Margaret@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>; McKaughan, Colleen <McKaughan.Colleen@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; Rios, Gerardo <Rios.Gerardo@epa.gov>  
**Cc:** Spiegelman, Nina <Spiegelman.Nina@epa.gov>  
**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations

Hi Margaret,

## Ex. 5 - Deliberative Process

Thanks,

Eugene

**From:** Alkon, Margaret

**Sent:** Friday, February 03, 2017 6:29 PM

**To:** Chen, Eugene <[Chen.Eugene@epa.gov](mailto:Chen.Eugene@epa.gov)>; Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Meer, Daniel <[Meer.Daniel@epa.gov](mailto:Meer.Daniel@epa.gov)>; McKaughan, Colleen <[McKaughan.Colleen@epa.gov](mailto:McKaughan.Colleen@epa.gov)>; Salazar, Matt <[Salazar.Matt@epa.gov](mailto:Salazar.Matt@epa.gov)>; Rios, Gerardo <[Rios.Gerardo@epa.gov](mailto:Rios.Gerardo@epa.gov)>

**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>

**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations

Eugene,

## Ex. 5 - Deliberative Process

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Look forward to discussing this with you.

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Margaret Alkon

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**From:** Chen, Eugene

**Sent:** Friday, February 3, 2017 3:21 PM

**To:** Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Meer, Daniel <[Meer.Daniel@epa.gov](mailto:Meer.Daniel@epa.gov)>; McKaughan, Colleen <[McKaughan.Colleen@epa.gov](mailto:McKaughan.Colleen@epa.gov)>; Alkon, Margaret <[Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov)>; Salazar, Matt <[Salazar.Matt@epa.gov](mailto:Salazar.Matt@epa.gov)>; Rios, Gerardo <[Rios.Gerardo@epa.gov](mailto:Rios.Gerardo@epa.gov)>

**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>

**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations

Mr. Brittle has good timing. We had our regular permitting call with Maricopa AQD this morning. I'll provide a more extensive update and look to set up a meeting so that we can discuss, but here are the highlights:

- For the Tonopah facility (the one with the permit remand), it appears at present that Maricopa intends to determine that the emissions from the facility are fugitive in nature. They intend to rely on a rationale set forth in a US v Nucor court decision, a 1998 US District Court decision from Northern Alabama.

- Maricopa was willing to forward on a pre-draft version of their permit/determination, although we did not discuss just how early we would want to see it
- They intend to move forward with the permit by the end of February at earliest; more likely the first or second week of March
- They expect the next step to be an appeal of the permit to the AZ Superior Court

## Ex. 5 - Deliberative Process

I'll start looking for time on people's calendar so we can plan next steps.

**From:** Christenson, Kara

**Sent:** Friday, February 03, 2017 1:02 PM

**To:** Meer, Daniel <[Meer.Daniel@epa.gov](mailto:Meer.Daniel@epa.gov)>; McKaughan, Colleen <[McKaughan.Colleen@epa.gov](mailto:McKaughan.Colleen@epa.gov)>; Alkon, Margaret <[Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov)>; Salazar, Matt <[Salazar.Matt@epa.gov](mailto:Salazar.Matt@epa.gov)>; Rios, Gerardo <[Rios.Gerardo@epa.gov](mailto:Rios.Gerardo@epa.gov)>; Chen, Eugene <[Chen.Eugene@epa.gov](mailto:Chen.Eugene@epa.gov)>

**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>

**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations

Adding Gerardo and Eugene.

*This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (415) 972-3881.*

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San Francisco, CA 94105

phone: 415 972-3881

[christenson.kara@epa.gov](mailto:christenson.kara@epa.gov)

**From:** Meer, Daniel

**Sent:** Friday, February 03, 2017 1:01 PM

**To:** McKaughan, Colleen <[McKaughan.Colleen@epa.gov](mailto:McKaughan.Colleen@epa.gov)>; Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Alkon, Margaret <[Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov)>; Salazar, Matt <[Salazar.Matt@epa.gov](mailto:Salazar.Matt@epa.gov)>

**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>

**Subject:** RE: ammonia releases at Hickman's facilities require emergency response, per ADEQ's own calculations

Colleen – is there any word on the status of that permit remand?

Dan

Daniel A. Meer, Assistant Director

Superfund Division

Emergency Response, Preparedness and Prevention Branch

415.972.3132 (O)

415.971.6792 (C)

**From:** McKaughan, Colleen

**Sent:** Thursday, February 02, 2017 6:45 PM

**To:** Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Alkon, Margaret

<[Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov)>; Salazar, Matt <[Salazar.Matt@epa.gov](mailto:Salazar.Matt@epa.gov)>; Meer, Daniel  
<[Meer.Daniel@epa.gov](mailto:Meer.Daniel@epa.gov)>  
**Cc:** Spiegelman, Nina <[Spiegelman.Nina@epa.gov](mailto:Spiegelman.Nina@epa.gov)>  
**Subject:** FW: ammonia releases at Hickman's facilities require emergency response, per  
ADEQ's own calculations

Hi,

Looping you in.

Colleen

**From:** Strauss, Alexis  
**Sent:** Thursday, February 02, 2017 5:48 PM  
**To:** McKaughan, Colleen <[McKaughan.Colleen@epa.gov](mailto:McKaughan.Colleen@epa.gov)>; Adams, Elizabeth  
<[Adams.Elizabeth@epa.gov](mailto:Adams.Elizabeth@epa.gov)>; Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>; Quast,  
Sylvia <[Quast.Sylvia@epa.gov](mailto:Quast.Sylvia@epa.gov)>  
**Subject:** ammonia releases at Hickman's facilities require emergency response, per ADEQ's  
own calculations

**From:** Don't Waste Arizona [<mailto:dwaz@fastq.com>]  
**Sent:** Thursday, February 2, 2017 4:16 PM  
**To:** [Cabrera.misael@azdeq.gov](mailto:Cabrera.misael@azdeq.gov); Randall G. Matas <[Matas.Randall@azdeq.gov](mailto:Matas.Randall@azdeq.gov)>  
**Cc:** Strauss, Alexis <[Strauss.Alexis@epa.gov](mailto:Strauss.Alexis@epa.gov)>  
**Subject:** ammonia releases at Hickman's facilities require emergency response, per ADEQ's  
own calculations

Dear Mr. Cabrera and Mr. Matas:

Attached is the file I received today from ADEQ regarding its modeling of ammonia emissions (releases) from the Hickman's Arlington and Tonopah facilities. Even though I believe the emissions rates/bird are understated, and that ADEQ failed to use the proper software for

modeling chemical releases (ALOHA), and also set the release height too low, among other issues, I used the data supplied to get the following result:

I did a simple grams to pounds conversion and found that even ADEQ's computation show exceedances of the 100 lb reportable quantity for ammonia every day. (EPCRA requires that the SERC and LEPC of jurisdiction must be notified immediately when a facility emits > 100 pounds/day of ammonia.)

In fact, according to ADEQ's own estimations:

Tonopah would be emitting 1,909.873 lbs/day of ammonia.

Arlington would emit 2311.646 lbs/day + 1341.585 lbs/day for a total of 3,653.231 lbs/day of ammonia.

So when is there going to be an emergency response?

I look forward to your response.

Stephen M. Brittle

DWAZ